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## **Chapter 6: The News Media's Coverage of Crime and Victimization**

### **Abstract**

The news media wield a "double-edged sword" in their coverage of crime and victimization relevant to the "public's right to know" versus "the victim's right to privacy." Victim service providers play crucial roles in protecting victims' privacy rights, and helping victims cope with media coverage immediately following a crime, during the trial, and following verdicts. Advocates must possess knowledge of who the media are, how they operate, and victims' needs pertinent to dealing with the media.

### **Learning Objectives**

Upon completion of this chapter, students will understand the following concepts:

- The impact of news reporting on crime.
- The influence of the news media on criminal justice, juvenile justice, and victim services policies and practices.
- Advocating for victims in high-profile cases.
- First Amendment issues and precedents relevant to victim privacy.
- Major concerns of victims and service providers when dealing with the media and guidelines for victims who choose to deal with the media.
- The role and responsibilities of the victim advocate in helping victims deal with the news media.
- Significant issues for the media and the courts.
- The media perspective of crime and victimization.

### **Statistical Overview**

- A 1997 study published by the Center for Media and Public Affairs (CMPA) found that since 1993, coverage of murders on network evening news shows rose over 700% and overall crime news tripled. Between 1993 and 1996, crime was the most heavily covered topic on network evening news, with 7,448 stories, or one out of every seven news stories on all topics. The amount of crime news tripled from the early 1990s, although violent crime rates declined during the same period (CMPA 1997a).
- According to CMPA, 24% of all stories on the leading syndicated tabloid television news programs dealt with crime; 21% with sex; 17% with accidents and disasters; and 10% with self-destructive behavior such as drug and alcohol abuse. Only 7% of stories dealt with "uplifting themes" such as heroic acts (CMPA 1997b).

## **Impact of News Media Reporting on Crime**

Crime in America is big news that is of significant concern to the American public. In a 1997 national survey conducted by the Roper Center in conjunction with the Newseum of Arlington, Virginia, 95% of 1,500 respondents said "they want to know about crime," a higher response rate than for any other topic, including local news, the environment, and world news (*Parade Magazine* 1997, 4).

Numerous studies of American news media have examined the media's coverage of crime in comparison with actual crime rates. A 1996 *U.S. News & World Report* article reported that "the number of crime stories on the network evening news in 1995 was quadruple the 1991 total. Last year (1995), the three networks ran 2,574 stories about domestic crime, more than the combined number of stories on the budget, Bosnia and the presidential campaign. Even excluding stories about the O.J. Simpson trial, the networks aired 375 stories on murder in 1995, more than four times the 1990 total, when the homicide rate was higher." Such news reporting came at a time when the overall crime rate had been significantly dropping. *U.S. News & World Report* concluded that ". . . if there is no new crime wave in the real world, there is one on TV news."

Media reporting of crime and victimization, in both print and broadcast formats, has far-reaching effects on a number of populations and special interests:

### **THE CRIMINAL AND JUVENILE JUSTICE SYSTEM**

Coverage of criminal and juvenile justice system activities offers citizens an overview of the entire justice process, from law enforcement to prosecution through probation, parole, and corrections. The news media's examination of individual cases has resulted in groundswells of public opinion and action that have, in many cases, ultimately changed the way the justice system operates. In addition, the emergence of cameras in the courtroom and the Court TV network have expanded the American public's knowledge of the myriad intricacies that comprise our justice system.

The criminal and juvenile justice systems are also affected by their attempts to preserve the sanctity of criminal cases and, in some cases, protect victims' privacy. The espoused theory of the "public's right to know" often puts the media in direct conflict with system officials who believe that case confidentiality is essential to obtaining criminal convictions.

### **THE MEDIA PROFESSION**

Over the past decade, coverage of crime and victimization has drastically changed. For example, in 1985, footage of bodies and/or body bags on national networks elicited organized outcries from victim advocates across the nation. Today, such footage is commonplace. The volatile issue of identifying victims of sexual assault in the media has been debated and analyzed from both victim advocacy and First Amendment perspectives, with little consensus from either side of the argument.

However, the past fifteen years have also witnessed an increase in media

professionals who seek sensitivity training from crime victims and advocates so that they can accurately cover crime stories with the least amount of trauma to the victim. Today, crime victims and service providers offer training programs to newsrooms, professional journalism associations, and university-level journalism classes about media sensitivity in addressing violence and victimization.

Journalists who cover crime beats are also affected by the scope and demands of their jobs. Those who cover the horror and degradation of violence on a regular basis have few outlets for the personal trauma they must endure. As such, there is high demand for a protocol to "debrief" journalists whose assignments include regular coverage of violence.

## **VICTIM SERVICE PROVIDERS**

The increase in the news media's coverage of crime and victimization has resulted in a very specialized discipline within the field of victim services: advocating for crime victims whose cases are covered by the news media. Training programs to help service providers better work with the news media who cover crime and victimization, as well as guidelines in media relations that help them enhance their professional relationships with the news media, are regularly offered at training conferences and as a component of victim service professional education.

## **CRIME VICTIMS**

The constituency most affected by the news media's coverage of violence and victimization is crime victims. While sensitive coverage of victim's cases can be helpful and, in some cases, even healing, media coverage that is sometimes viewed as insensitive, voyeuristic, and uncaring can compound victims' emotional and psychological suffering.

Most crime victims have never before dealt with the news media. They are thrust, often unwillingly, into a limelight they do not seek and do not enjoy solely because of the crimes committed against them. Many victims describe the initial assault from the perpetrator, a secondary assault from the criminal justice system, and a tertiary assault at the hands of the news media. As ABC News and Political Analyst Jeff Greenfield explained in 1986, "What weighs in the scale is not simply the desire of a victim for privacy . . . but the prospect of further victimization beyond the involuntary thrust into the public arena. And this is something that the journalism community must begin to consider in its daily business."

## **THE AMERICAN PUBLIC**

The media play a significant role in public safety by keeping citizens apprized of--

- Increases and decreases in crime.
- Trends in violence and victimization (that are specific to national, state, local, and even neighborhood targeted audiences).

- Efforts to prevent crime, reduce violence, and assist victims (including new and existing programs, policies, and legislation).
- Measures individuals and communities can take to promote safety.

In the previously cited Newseum/Roper Group poll (*Parade Magazine* 1997, 4), the American public offered some excellent insights and opinions about news reporting:

- 82% think reporters are insensitive to people's pain when covering disasters and accidents.
- 64% think the news is too sensationalized.
- 64% think reporters spend too much time offering their own opinions.
- 63% think the news is too manipulated by special interests.
- 60% think reporters too often quote sources whose names are not given in news stories.
- 52% think the news is too biased.
- 46% think the news is too negative.

Many of these concerns have been identified in the past by crime victims and those who serve them. *Parade Magazine* highlighted similar concerns by leading American journalists. For example, Tom Brokaw, former anchor of NBC Nightly News, said: "Coverage of big stories can give the impression of a feeding frenzy. People feel bombarded."

### **The Media and Its Influence on Criminal/Juvenile Justice and Victims' Rights Policies and Programs**

The media's significant focus on high-profile crimes, as well as societal ills related to crime and victimization, have wielded considerable influence, both positive and negative, on policies and programs relevant to criminal justice, juvenile justice, and victims' rights and services. News coverage ranging from a single report to more widespread coverage of key issues has profoundly affected the delivery of justice and victim services.

For example, the news media played a significant role in the myriad juvenile justice reforms that occurred throughout the 1990s. The publicity surrounding increases in juvenile violent crime, as well as the cloak of secrecy that shrouded America's juvenile justice system, led to reforms relevant to both offender confidentiality and increased victim involvement in juvenile court proceedings. Attention to hate crimes, including the award-winning series in *USA Today* by reporter Gary Fields about the church burnings in the South, provided impetus to the U.S. Department of Justice's increased collaborative efforts on prevention and resolution of these shocking offenses. Reforms in child welfare systems and services in numerous states followed extensive news reports of too many children who were falling through the cracks of systems that should be designed to protect them.

Many state laws and agency policies relevant to crime victims have been passed or strengthened as a result of media exposure. In these instances, "the power of the personal story" drove public policy and gave impetus to new and important sub-disciplines of the victims' rights field:

- In the early days of Mothers Against Drunk Driving, the founders of MADD effectively utilized the media to draw attention to a criminal act--driving under the influence (DUI) of alcohol and other drugs--that was not even considered a crime. As family members around the nation spoke publicly in a unified manner for the first time about the devastating effects of DUI offenses, the results changed federal, state, and local policies and continue to do so today.
- The courage of John Walsh and other parents, whose children were abducted, contributed to federal and state laws in the 1980s and beyond in addressing the tragedy of missing children. Parents' efforts were institutionalized by the federal government in 1984 with the creation of the National Center for Missing and Exploited Children.
- Despite her pleas for notification of any change in his custodial status, Lisa Bianco was murdered by her ex-husband while he was on furlough from the Indiana Department of Corrections. Her death resulted in the passage of corrections-based victim notification laws in all fifty states and the District of Columbia. Local and national media attention on this tragedy was instrumental in the positive public policy changes that resulted.
- The brutal abduction, rape, and murder of Megan Kanka in July 1994 and ensuing media exposure about the confidentiality of sex offenders under community supervision led to the passage of "Megan's Laws" at the federal level and in most states, which require sex offender registries and the provision of information to communities about the location of sex offenders in their midst.
- When mothers of victims murdered in gang violence were interviewed for a broadcast series by an independent television station in Los Angeles, their pleas for justice and understanding contributed to the U.S. Department of Justice, Office for Victims of Crime "Special Report on Victims of Gang Violence" published in 1996.

The media also provide forums for important dialogue among seemingly disparate groups. For example, widespread attention on the use of DNA testing to clear unsolved criminal cases also focused on how DNA has been instrumental in freeing inmates who were wrongly convicted. One poignant program brought together a sexual assault victim with the man who was freed from prison for that assault through new DNA evidence. In another instance, media attention on the lack of funding for public defense encouraged a victim advocate to address this issue at a national conference of defense attorneys from the victims' perspective--lack of funding for public defense of indigent defendants leads to delays that can be traumatic for victims.

The following are examples where media have also had a powerful influence on improving programs and services for victims of crime:

- Many victim service programs solicit volunteers through feature articles and programs in the local media and through news columns that promote volunteer activities.
- When an innovative approach to victim assistance is publicized through national or local media, it often leads to requests for information that contribute to the replication of promising practices or policies.
- Many victims, who choose not to report crime, learn about community-based victim service programs available to assist them through news reports.

### **The Internet's Impact on Victims' Rights and Services**

The most rapidly growing form of media in the world today is the World Wide Web. The global "virtual network" that has resulted holds important implications for crime victims and those who serve them.

Thousands of Web sites now offer information and referral services for victims of crime and victim service providers. Direct services are rapidly becoming available, as evidenced by the free confidential counseling offered on-line to sexual assault victims by the Brazos Rape Crisis Center in Texas. Listservs link together victim advocates and allied professionals who share interest in specific victim- and justice-related topics, simplifying the exchange of information and ideas. In some states, victim compensation claims and agency reports are filed electronically with the compensation authority.

### **The News Media and High Profile Cases**

In high profile cases, where either the victim or the alleged or convicted offender is a well-known person, the victim is often thrust unwillingly into an excessive and excruciating limelight that he or she neither asked for, nor desires. The "pack mentality" that can result from a combination of mainstream and tabloid media competing for the same scoops, under the same deadlines, can be devastating to victims.

Two victim advocates who joined the rest of the nation in watching the now infamous freeway chase that followed the double murders in Brentwood, California in 1995 shared their perspectives:

We were working on a project in Cheyenne, Wyoming, and had just begun relaxing in our hotel room when all the major networks began broadcasting a minute-by-minute, up-close-and-personal view of the freeway chase of the Ford Bronco--on the heels of days of news media focus on the alleged defendant in the case. We were appalled at the circus atmosphere surrounding this bizarre coverage--people standing by I-405 urging the fleeing alleged perpetrator to "go...go...go...."

Cognizant of the fact that there were two murder victims, as well as two families that were enduring the greatest possible trauma and grief, we decided we could not just stand by idle and let this offensive charade continue. In less than half an hour, we typed out a press release entitled simply "Remember the Victims." It focused solely on the victim perspective of this horrible tragedy and that, in the absolute craziness of the news media in covering the freeway exploits, there were tremendous pain and suffering that were subsequently going on.

After begging the hotel management to let us fax our press release to major media outlets, we contacted a number of victim advocates who could present the victim perspective, as we were in a training session for the next two days. The results were incredible--we fielded a dozen calls that night, and into the wee morning hours, requesting a spokesperson "who could express the voice of the victim." While this effort was entirely spontaneous and propelled by frustration, the end result was very positive. It showed that every story has two sides, and every victim advocate has both the *opportunity* and *obligation* to speak out on behalf of victims everywhere.

In high profile cases, every aspect of victim advocacy demands a greater intensity to protect the victim's interest and privacy. Such cases require close coordination among key justice officials and professionals or volunteers who are working with the victim. It is essential to present the victim's aspect of a case in a manner that is respectful, a goal that can be difficult to achieve when the limelight is so intense.

### **THE COLORADO/OKLAHOMA RESOURCE COUNCIL MEDIA CONSORTIUM**

When the trial for the Oklahoma City bombing and murders at the Murrah federal building changed venue to Denver, Colorado, a community-based group was established to provide services to the victims and survivors while they were in Denver for the trials. The goal of the Colorado/Oklahoma Resource Council (CORC) was to minimize re-traumatization of victims from Oklahoma City who were displaced during the judicial process. Recognizing the potential for a "media circus" surrounding the trials, which were the most covered news events since the murder of John F. Kennedy in 1963, CORC created a Media Consortium in partnership with the Denver city government, the federal government, the courts, and the community. The three goals of the Media Consortium were as follows:

- Support the federal court, recognizing that the business of the court is justice, not the media.
- Address community concerns, in particular the powerful presence of the news media.
- Treat victims and witnesses with dignity and respect.

The strength of the Media Consortium offered benefits for the news media, courts, community, and, perhaps most important, the victims. The Consortium developed a credentialing process for journalists who wished to attend the trial,

which had limited seats for the news media. It worked closely with the courts to identify space for news media and their equipment and to secure proper permits. Pool coverage was also coordinated by the Consortium so that all reporters had access to information from the courtroom each day, regardless of whether they were on-site. Perhaps most important, the Consortium promoted self-policing control and accountability among journalists.

By establishing both formal and informal rules, the Consortium contributed greatly to victim sensitivity and victim privacy. The pool coverage helped victims avoid a "mob mentality" among journalists. Guidelines for dealing with the news media were provided to the victims, and rules were established for victim service providers that ensured the veracity of their interactions with journalists, and that permission to speak on behalf of specific victims was always obtained.

The CORC Media Consortium holds great promise for other communities that are faced with a high-profile criminal case. CORC is developing a comprehensive training and technical assistance package that will help other communities plan for, and be prepared to implement, a coordinated approach to dealing with the news media in a positive, proactive manner, while protecting both the privacy of the victims and the sanctity of the high-profile case.

### **The Public's Right to Know Versus the Victim's Right to Privacy**

The question of where a society's right to know ends and an individual's right to privacy begins is one of journalism's thorniest ethical dilemmas (Thomason & Babbili 1988).

This double-edged sword has serious implications for victims and those who serve them. While the legal aspects relevant to the First Amendment are quite clear, ethical considerations that take into account the traumatic nature of victimization and related news coverage are much more complex.

There have been two precedent-setting decisions handed down by the U.S. Supreme Court relevant to the privacy rights of crime victims.

In *Florida Star v. B.J.F.*, a weekly newspaper in Jacksonville published a news article that identified the name of a sexual assault victim, violating its own policy of protecting the privacy of rape victims. The resulting appeals and ultimate Supreme Court decision rendered in 1989 were summarized in a 1990 *Mercer Law Review* article:

In *Florida Star v. B.J.F.*, the Supreme Court invalidated a Florida statute proscribing the newspaper publication of the identity of sexual assault victims. In making its determination, the Court balanced the state interest of protecting the privacy of assault victims against the first amendment concerns of the free press. The Court did not focus on the privacy right of the plaintiff as much as it considered the inability of the statute to achieve its desired goal. Accordingly, the Supreme Court found the Florida statute unconstitutional primarily because of its failure to protect the privacy of assault victims effectively without an impermissible intrusion on the first amendment freedom of the press (Hughes 1990).



The constitutionality of a Georgia law that prohibited the identification of rape victims by the news media was called into question in a case involving a television station's reporting of the name of a deceased rape victim. When *Cox Broadcasting Corporation v. Cohn* (1975) was appealed to the U.S. Supreme Court, Justice White noted in the affirming opinion that the "commission of crime, prosecutions resulting from it, and judicial proceedings arising from the prosecutions . . . are without question events of legitimate concern to the public and consequently fall within the responsibility of the press to report the operations of government" (p. 493).

There are several arguments adopted by journalists in support of identifying victims of crime and, in particular, victims of sexual assault and rape. First, the public's right to know any information that is part of public record (i.e., law enforcement or court documents) is frequently cited. Next, some journalists believe that, in the name of fairness and equity, the victim's identity should not be protected when the name of the alleged assailant is published or broadcast, particularly when the defendant is found not guilty. Finally, some journalists believe that identifying rape victims will somehow eliminate or reduce the stigma that is often associated with sexual assault.

However, research clearly shows that crime victims, service providers, and American women in general strongly support protecting the privacy of rape victims. Key findings from *The National Women's Study*, as reported in "Rape in America: A Report to the Nation," include the following:

- 84% of rape victims do not report to the police.
- 50% of rape victims would be "a lot more likely to report" to police if there was a law prohibiting the news media from disclosing their name and address, with 16% indicating they would be "somewhat more likely to report" rapes to the police.
- 86% of American women felt victims would be less likely to report rapes if they felt their names would be disclosed by the news media.
- An overwhelming majority of American women (75%), rape victims (78%), and rape service agencies (91%) favor legislation that would prohibit media disclosure of rape victims' names (Kilpatrick, Edmunds, & Seymour 1992).

Surveys of American newspaper editors have shown that most do not routinely publish the names of rape victims. In 1982, Oukrop reported that 68% of the editors she surveyed believed names of rape victims should not be published (p. 21). Winch (1991) surveyed editors in 1990 and found that 9.6% said rape victims should never be named; 39.6% said they should be named only with the victim's permission; and 43.6% said they should be named only in exceptional cases.

Furthermore, more news media today are addressing the issue of rape than ever before. In "Newspaper Coverage of Rape: Editors Still Reluctant to Name the Victim," the following data were revealed:

- The topic of rape coverage had been discussed in respondents' newsrooms, with 57.5% noting that their paper had seriously re-examined policy on rape identification, and 55.2% saying that they had re-examined policy on rape coverage in general.
- More than 40% believed their own newspaper is more sensitive toward rape victims than five years ago, and more than 50% said they believed newspapers as a whole are more sensitive.
- 22.6% disagree with the idea that routine printing of the names of rape victims would remove the stigma of rape.
- Only 24.3% agreed that not printing names of rape victims was a violation of the public's right to know.
- However, the editors indicated that the decision to withhold a name should be the newspaper's, not a result of legislation that keeps the name from the press. Almost three-fourths of the editors (71.8%) said those laws should be repealed because they violate the First Amendment (Thomason & LaRocque 1994, 11-12).

Clearly, the correlation between rape victims' fear of being identified and the fact that only 16% of rapes are ever reported to police should be a driving force behind the protection of the privacy rights of all sexual assault victims. While legislation mandating such protections has been held unconstitutional by the U.S. Supreme Court, the news media should adopt policies that protect rape victims' right to privacy as a basic ethical premise of journalistic doctrine. The media may have the right to publish or broadcast victims' names, but they also have a responsibility to act responsibly.

### **The Major Concerns of Crime Victims and Service Providers**

In addition to privacy protections, the National Center for Victims of Crime has identified 14 significant concerns that crime victims and service providers have in regard to the news media's coverage of crime and victimization (Seymour & Lowrance 1988, 5-7).

- *Interviewing at inappropriate times.* "Inappropriate times" for interviewing victims include immediately following a crime, at funerals, in hospital settings, and during trials when the judge or prosecutor has issued a gag order to witnesses. It is during these periods that a victim's trauma and distress tend to be extremely high; dealing with the news media can create a secondary victimization that compounds the victim's tragedy caused by the violent crime.

A 1992 study of homicide survivors found that 92% of respondents felt that "it is *not* appropriate for a television news reporter and camera crew to approach a grieving individual immediately following a death" (Fritz 1992, 91). The feelings of many victims at the crisis stage following a crime were summed up by the mother of a murdered daughter:

You're in such a state of shock, you're not thinking in terms

- of newspapers . . . You're not prepared for this . . . I thought I'd come home by myself and cry my eyes out, but there already were 500 people waiting when I got home. We're not ready. We're numb. We don't know what's going on (Grotta 1986, 10).
- *Using euphemisms to describe victims and offenders.* Euphemisms are often utilized by journalists and, in particular, newspaper headline writers to capture the essence of a violent act in a brief, memorable manner. However, in doing so, the identity of the victim can be demeaned and even lost. Most Americans remember the notorious "Preppie Murder" in Central Park in the 1980s, but how many people can recall the name of the victim, Jennifer Levin?
  - *Glamorizing the offender.* The following words were used at various times to describe a well-known criminal: "handsome," "intelligent," "rape crisis center volunteer," and "law school student." The man who was so described was Ted Bundy, one of our nation's worst serial murderers. While such descriptions may be essential to a news story, what often adds insult to the victim's injury is the lack of such detail in describing the victims of such heinous criminals.
  - *Exhibiting aggressive behavior toward victims, survivors, and their advocates.* The pressure to obtain a news story, often under a tight deadline, can lead some journalists to be overly aggressive to victims, their loved ones, and victim service providers. A television photographer illuminated this problem when he noted:  

I think at times we don't take into consideration what these people have been through. There is pressure there, someone breathing down your back to go out and get that story, get that interview. We should be more sensitive to these people's feelings. Sometimes I think we're a bit too aggressive (Grotta 1986, 7).
  - *Ignoring victims' and survivors' wishes.* The issues of control and decision-making are essential to a victim's reconstruction following a crime. Since victims do not choose to be victimized, their ability to make decisions and have some degree of control over their lives following a violent crime is very important. Crime victims' wishes relevant to the news media's coverage of their cases should be respected and followed.
  - *Filming and photographing scenes with bodies, body bags, and blood.* Many victim service professionals believe that the steady diet of gory crime scenes, often involving murdered victims, body bags, and blood, portrayed in broadcast and print media contributes to individual and collective desensitization to violence and the personal tragedy it wreaks on victims and survivors of crime.
  - *Repeatedly using crime scene footage as a "lead-in" to newscasts.* When a broadcast medium chooses to show crime footage as the "lead-in" prior to a newscast, it can re-victimize anybody who was involved in that specific crime. One victim told of watching the evening news and seeing a body bag containing her husband: There was no warning to the family that

this was upcoming. You look up and there's his body. That's offensive. You can't be any more offensive than that (Grotta 1986, 7).

- *Reporting hearsay.* The "double-edged sword" wielded by the media who cover crime is often evident when victims, their loved ones, and law enforcement officials refuse to be interviewed for reasons including the need for privacy, or to preserve the sanctity of the criminal investigation or case. In such cases, some media rely on interviews with third parties, including neighbors and people who may, or may not, have known the victim, to obtain details about the victim and/or alleged perpetrator. However, such hearsay interviews often cannot be relied upon for accuracy and can invoke additional trauma for victims.
- *Interfering in police investigations.* The need for cooperation among law enforcement, other criminal justice officials, and the news media is essential to criminal investigations and prosecutions. Often, details that journalists consider key to a good story are also details that must be kept confidential in order to successfully complete a criminal investigation.
- *Referring to drunk driving crashes as "accidents."* The public awareness generated over the past two decades by Mothers Against Drunk Driving, Remove Intoxicated Drivers, and other victim advocacy organizations has successfully educated citizens about the dangers of drinking, drugging, and driving. There is nothing "accidental" about a person who chooses to drink and drive, resulting in a crime that injures or kills another human being. Many journalists have begun referring to such tragedies as "crashes" or "crimes," which more accurately describes the criminality of driving under the influence of alcohol or other drugs.
- *Failing to cover a crime at all.* Societal biases in America are sometimes reflected in news reporting. The length of news copy and scope of broadcast coverage tend to vary based upon the victim's race, where they live, socioeconomic status, and other factors that have nothing to do with the crime committed against them. These issues were elaborated upon in an article by the associate editor of a large metropolitan daily newspaper:

When city editors get calls from the crime reporter, often the first question asked is "Where did it happen?" The news team's reaction to the crime is often predicated on where the crime occurred. If it's at one of the projects in predominantly black and Hispanic West Dallas, we call in a brief; if it's in white, fashionable University Park, we roll a reporter or two. That attitude is unlikely to change (Sotomayer 1987). Such institutional biases can only be changed with continual training on cultural sensitivity, particularly as it relates to the coverage of crime.
- *Identifying child victims.* The criminal justice system goes to great length to protect the privacy of child victims, recognizing that any public identification of children's emotional, physical, or sexual assaults can have devastating consequences. The media should similarly respect the privacy rights of child victims, and should avoid all reporting that in any way contacts or identifies victims of child abuse. In cases of incest allegations

or convictions, journalists should not identify perpetrators if the child victim is in any way at risk of also being identified.

- *Attempting to interview survivors of homicide victims prior to official death notifications by law enforcement.* In homicide cases, the news media should always ascertain whether or not surviving family members of the victim have been notified of their loved one's murder. One victim recalled driving his car on a Florida freeway and hearing a radio report of his brother's brutal murder at the hands of a high-profile, and yet unidentified, killer. The shock and grief associated with the news media's reporting of violent deaths prior to sensitive death notification comprise a second tragic victimization that can easily be avoided with communication and cooperation between law enforcement and the media.
- *Inaccurate reporting.* Accurate media coverage of details of a crime, however minute, are very important to crime victims and survivors. For example, inaccurately reporting of the age of a homicide victim can have traumatic consequences on that victim's surviving family members. Factual reporting of all details associated with a crime is critical not only to the media's underlying philosophy of accuracy, but also to a victim's efforts to reconstruct his or her life following a crime.

### **Guidelines for Victims Who Choose to Deal With the Media**

A brochure published by the National Center for Victims of Crime in 1987 entitled *Victims' Rights and the Media* offers valuable guidelines to crime victims whose cases are covered by print and broadcast news media. While the "rights" enumerated in this brochure are not mandated by statute or policy, they should be considered guiding principles provided by all service providers to crime victims prior to dealing with the news media.

#### **YOU HAVE THE RIGHT TO:**

1. Say "no" to an interview.
2. Select the spokesperson or advocate of your choice.
3. Select the time and location for media interviews.
4. Request a specific reporter.
5. Refuse an interview with a specific reporter even though you have granted interviews to other reporters.
6. Say "no" to an interview even though you have previously granted interviews.
7. Release a written statement through a spokesperson in lieu of an interview.
8. Exclude children from interviews.
9. Refrain from answering any questions with which you are uncomfortable or that you feel are inappropriate.
10. Know in advance the direction the story about your victimization is going to take.

11. Avoid a press conference atmosphere and speak to only one reporter at a time.
12. Demand a correction when inaccurate information is reported.
13. Ask that offensive photographs or visuals be omitted from broadcast or publication.
14. Conduct a television interview using a silhouette or a newspaper interview without having your photograph taken.
15. Completely give your side of the story related to your victimization.
16. Refrain from answering reporters' questions during trial.
17. File a formal complaint against a journalist.
18. Grieve in privacy.
19. Suggest training about media and victims for print and electronic media in your community (Seymour & Lowrance 1988, 7-10).

### **Guidelines for Television Talk Shows and Crime Victim Guests**

In the past two decades, television talk shows have emerged as a powerful genre to address various issues of importance to the public, including crime. While such programs can have a powerful impact on promoting victims' rights and needs, they can also be traumatic to victim guests whose cases are sensationalized, or who are treated in an insensitive manner.

Recognizing the need for accountability from television talk shows, the National Center for Victims of Crime (NCVC 1994) developed guidelines for talk shows and crime victim guests that promote victim sensitivity and reduce opportunities for "re-victimizing victims."

- Television talk shows should use only those victims who have had the benefit of counseling and guidance from a trained victim counselor, professional, or advocate.
- Crime victims should not appear in the immediate wake of their victimization, particularly if they have not had the advantage of counseling by professional victim advocates and service providers.
- Child victims should not be guests.
- A professionally trained victim advocate or crisis counselor should be on hand at all times.
- Crime victims should be treated with dignity and respect at all times.
- Crime victims should always be fully informed about the format of the show; how their story will be told; who else will appear (in person or otherwise such as from a remote location); and what subjects will be discussed with each guest. Whenever possible, victims should be provided with copies of the producer's notes on each guest.
- If an offender (any offender) is to be physically present in the studio or elsewhere in the facility, the victim should be given notice of the specific facts and asked what arrangements can be made in the studio to make the victim feel comfortable and safe if he or she chooses to be a guest.

Every precaution should be taken to prevent the offender and the victim from "crossing paths" before, during, and after the show.

- Victims should be offered the opportunity to get comfortable with the set by allowing them to arrive early, or even the day before the actual taping.
- Victims should always have the right to view pictures, video/audio tapes, and graphic or other depictions that will air as part of the show.
- Victims should be informed in advance of the option to protect their anonymity by whatever means are necessary such as silhouette screens, disguises, electronic voice alteration, pixel and fog screening, etc.
- When the victim desires, no information should be presented that would disclose the location of their home, place of work, or whereabouts.
- Victims should have the right to request that their show not air in certain markets if there are safety concerns.
- Victims should have the opportunity to request that disclosures which compromise their anonymity or safety be edited from the broadcast program.
- Victims should be informed of when the original show will air and when the show will be re-broadcast.
- Victims in the viewing audience may experience a crisis reaction while watching a show about crime victimization experiences. It is strongly advised that producers provide a disclaimer at the beginning of the show cautioning viewers of the content.

### **Code of Ethics for Victim Advocates in Dealing With the News Media**

In 1988, the National Center for Victims of Crime published a suggested code of ethics for victim advocates in the media. With adherence to these recommended guidelines (which were updated in 1995), victim advocates can ease the trauma of the news media's coverage of crime and victims and, at the same time, assist the news media in their attempts to focus public attention on crime in our nation:

#### **I SHALL ALWAYS:**

1. Honor the victim's wishes relevant to any news media coverage of their tragedy.
2. Protect the privacy of any victims who do not wish to have contact with the news media.
3. Provide victims with guidelines on how to deal with the news media.
4. Help victims, upon request, prepare for print or broadcast media interviews.
5. Inform victims that they have the right to refuse an interview with the media.
6. Accompany crime victims, upon request, to media interviews and press conferences.
7. Review with reporters, producers, and talk show hosts exactly what questions they can and cannot ask the victim.

8. Reserve the right to end any interview if the victim shows signs of trauma during the course of an interview.
9. Discourage the participation of children in any interviews or talk shows.

#### **I SHALL NEVER:**

1. Force a victim into an interview against his or her wishes.
2. Provide any information about the victim without his or her explicit consent (Seymour and Lowrance 1988, 15).

### **The Role and Responsibilities of the Victim Advocate in Helping Victims Deal With the News Media**

Advocacy for crime victims in the media has become a specialized discipline within the field of victim advocacy. Victim service providers who assume this immense responsibility must do the following:

- Be knowledgeable about how the news media operate.
- Be knowledgeable about victims' rights and issues in general, and about the specifics of the victim and case at hand.
- Develop solid relationships with news media professionals who are known to be sensitive to crime victims and victims' rights issues.
- Consider the needs and desires of the victims they represent, especially privacy concerns, as foremost among their responsibilities.
- Be sensitive to the specific needs of the victim and/or the victim's family and friends, as well as to the parameters of the criminal investigation, criminal or juvenile justice system, and criminal or juvenile case (when applicable).
- Be available twenty-four hours a day, seven days a week for both the victim and the news media.
- Be aware of and prepared to protect victims' rights in the media.

#### **ADVANCE PREPARATION**

Victim service providers should have a roster of key media in their community that includes contact name, address, telephone number, fax number, Web site address, and e-mail address. A database that allows rapid distribution of information such as victim statements and press releases via fax, mail, or the Internet is helpful.

To know which media professionals have provided thorough, sensitive coverage of victims' cases, as well as those who have been less sensitive or intrusive, is helpful. If the victims asks for recommendations on specific media who have contacted them, this type of background information is useful.



## **HELPFUL TIPS**

- Be well-versed about victims' rights in the media.
- Know all the facts of the case, including detailed, accurate information about the victim.
- Coordinate media outreach with relevant criminal or juvenile justice officials.
- Always separate fact from opinion.
- Always remember that a defendant is innocent until proven guilty, and is "alleged" to have committed a crime prior to conviction.
- Be aware that anything you or the victim say to the media may be used by the defense.
- Be professional and courteous at all times.

## **VICTIM ADVOCACY**

In some cases, the victim service provider will be directly contacted by the victim or a family member or friend. In other cases, a telephone call to the victim, followed up with a personal note that provides the service provider's/agency's contact information for support and services (including media advocacy), is appropriate.

The role of the victim advocate in helping victims deal with the media may include the following activities:

- Determine if the victim wants to deal with the media and, if so, in what manner--lay "ground rules" for the news media.
- Provide to the news media the victim's wishes ("ground rules") both verbally and in writing.
- Provide victims with an answering machine if they do not have one that contains a message concerning the victim's wishes for dealing with the media and others.
- Explain how the media work and, in particular, how the media might cover the victim's case.
- Help the victim select a spokesperson, when applicable, and be prepared to fulfill this role upon request from the victim.
- Be prepared to develop a written statement, upon request from the victim, for dissemination to the media. A double-spaced statement that includes the spokesperson's contact information, limited to sixty seconds or less, is most appropriate.
- Protect at all costs the privacy of sensitive victims such as sexual assault victims, children and elderly victims, and victims with disabilities.
- Provide the media with contact information for the spokesperson selected by the victim.
- Coordinate interview guidelines and other release of information with the media throughout the duration of the case.

- Release only that information to the media that has been approved by the victim.
- Remember that the media are visually oriented.
- Provide copies of a photograph chosen by surviving family members in cases involving deceased victims, with the original photograph returned promptly to the family.
- Prior to the verdict, help the victim prepare two statements: one for a "guilty" verdict, and one for a "not guilty" verdict.
- Advise the victim that following a verdict, the news media will have access to persons who had previously been silenced during court proceedings.
- Be prepared to provide follow-up support and advocacy to victims following a verdict, regardless of what that verdict is.
- Maintain a log of media coverage of the case, including newspaper clippings, and audio/video footage of interviews.

## **CASE COORDINATION**

- Determine key criminal or juvenile justice officials (such as the police public information officer, prosecuting attorney, or victim/witness coordinator) with whom media outreach should be coordinated.
- Coordinate any release of information with key criminal or juvenile justice officials.
- For cases involving trials or juvenile court hearings, determine a room in the courthouse where the victim can be guaranteed privacy. Also, determine alternative routes for the victim to enter and exit without being confronted by the media.
- Always keep in mind that pretrial publicity can result in a change of venue.
- Never speak about the case in any public situations and, in particular, anywhere in or around the courthouse.
- Coordinate victim privacy protection rules with the prosecutor and judge in cases involving trials, especially in cases in which cameras are allowed in the courtroom.
- Respect any orders issued by the judge relevant to the release of information, especially "gag orders."
- Avoid any adversarial role with anyone involved in the case.
- Coordinate posttrial media activities with the prosecuting attorney and the victim.
- Prepare the victim for potential media inquiries on anniversaries of crimes or court decisions.

### **Significant Issues for the Media and the Courts**

At the National Conference of the Media and the Courts sponsored by The National Judicial College in 1996, ten key issues affecting judges, lawyers, and reporters were identified, many of which affect victims and those who serve them:

1. Encourage and establish continuing interdisciplinary educational opportunities and dialogue among judges, journalists, and lawyers to foster an understanding of each other's roles through journalism schools, law schools, and The National Judicial College.
2. Assume there is access to all court proceedings and records and place the burden of proof for closure on the entity seeking secrecy. Privacy issues may overcome the presumption in appropriate cases.
3. Refrain from imposing gag orders on the news media or attorneys. Courts should seek other remedies in lieu of gag orders except in extraordinary cases.
4. Establish and/or support bench/bar/media committees that will meet regularly in every community to address issues of mutual concern.
5. Establish guidelines for trial-press management in high-profile cases. Court officials should confer and consult with media representatives to avoid unanticipated problems and understand each other's legal constraints.
6. Consider professional standards for journalists that are nonbinding.
7. Assume that cameras will be allowed in the courtroom, including the federal court system, and that such access should be limited or excluded only for strong reasons.
8. Encourage judges to explain, on the record, the reasons for their rulings.
9. Determine when and if it is appropriate to compel reporters to testify or produce notes, tapes, etc., understanding that the media cannot serve as an arm of law enforcement.
10. Encourage media organizations to develop an ombudsman system to hear recommendations from the courts and the public wherever feasible.

### **The Media Perspective of Crime and Victimization**

Over the past decade, news media professionals have begun to examine their roles in the coverage of crime and victimization. The "double-edged sword," involving the victim's right to privacy versus the public's right to know, has been debated among journalists, with such discussions often involving input and advice from victim service providers. While levels of sensitivity to victims' rights and needs continue to vary among journalists, news media today, more than ever, are adhering to basic principles of fairness and sensitivity that ultimately benefit victims of crime whose cases they cover.

## **GUIDING PRINCIPLES FOR THE JOURNALIST**

There are three guiding principles for journalists that are particularly applicable to their coverage of crime and victimization (Black, Steele, & Barney 1995).

### *1. Seek truth and report it as fully as possible.*

- Inform yourself continuously so you in turn can inform, engage, and educate the public in a clear and compelling way on significant issues.
- Be honest, fair, and courageous in gathering, reporting, and interpreting accurate information.
- Give voice to the voiceless.
- Hold the powerful accountable.

### *2. Act independently.*

- Guard vigorously the essential stewardship role a free press plays in an open society.
- Seek out and disseminate competing perspectives without being unduly influenced by those who would use their power or position to counter the public interest.
- Remain free of associations and activities that may compromise your integrity or damage your credibility.
- Recognize that good ethical decisions require individual responsibility enriched by collaborative efforts.

### *3. Minimize harm.*

- Be compassionate toward those affected by your actions.
- Treat sources, subjects, and colleagues as human beings deserving of respect, not merely as means to your journalistic ends.
- Recognize that gathering and reporting information may cause harm or discomfort but balance those negatives by choosing alternatives that maximize your goal of truth telling.

## **A MEDIA CODE OF ETHICS**

Victim service providers should encourage media professionals, both print and broadcast, to adopt a code of ethics specific to their coverage of crime and victimization. Such a code can serve as a basic ethical foundation from which difficult decisions can be made, frequently within very short time periods.

The most comprehensive written policy on ethical considerations affecting journalists, including those affecting crime victims, was developed by the *St. Louis Post-Dispatch* in 1992. In the sensitive introduction to its "Guidelines on Privacy Issues," the following guiding statement was made:

As we consider the policies that will best serve the *Post-Dispatch*, we should bear in mind some broad principles:

The perceptions and perspectives of reporters and editors on the one hand, and readers and other members of the public on the other, are different. The news professionals are motivated chiefly by a desire to get the news and publish it. The others are more likely to react personally, imagining how they would feel as the subject of a story. In weighing matters of privacy, perhaps some effort should be made to bring that personal perspective into the equation.

Major changes should be approached with caution. The wind may seem to be blowing very strongly in one direction today, but could shift direction tomorrow.

No policy will cover every eventuality. The policy here enunciated (in the *Guidelines on Privacy Issues*) includes many exceptions, and must be augmented by the constant application of fairness, common sense, reasoned judgment, and a degree of compassion by reporters and editors all along the line.

When victim advocates consider proposing a code of ethics to media professionals, the following issues should be seriously considered.

***The news media should--***

- Present details about a crime in a fair, objective, and balanced manner.
- Recognize the importance of publishing or broadcasting information that can contribute to public safety and, at the same time, balance this need with the victim's need for privacy.
- Respect the privacy of individuals who choose to refrain from dealing with the media or who choose to address the media through a spokesperson of their choice.
- Provide a balanced perspective relevant to a criminal act that reflects the concerns of the victim and offender.
- Never report rumors or innuendoes about the victim, the offender, or the crime unless such information has been verified by reliable sources.
- In crimes other than homicide, identify the victim by age and area where the crime occurs, omitting street addresses and block numbers.
- Refrain from using information gained from private conversations of victims or their relatives who are in shock or distraught.
- Identify witnesses only when they volunteer to be named, and when there is clearly no danger that can be predicted through their identification by the media.
- Never publish the identity of a sexual assault victim without his or her prior consent, regardless of whether the case is in the criminal or civil courts.
- Never publish the identity of a child victim.
- Never identify alleged or convicted incest offenders when such actions could lead to the identification of the victim.
- In cases of kidnapping where it is determined that the victim has been sexually assaulted, stop identifying the victim by name once a sexual assault has been alleged.

- Never identify the names of victims of scams or other crimes that tend to humiliate or degrade the victim without the victim's prior consent.
- Refrain from photographing or broadcasting images that portray personal grief and/or shock resulting from a criminal act.
- Never publish photographs or broadcast images that could place the subject in danger.
- Refrain from showing photographs or broadcast images of deceased victims, body bags, or seriously wounded victims.
- Never publish photographs or broadcast images of funerals without the surviving family members' prior consent.
- Refer to drunk driving incidents as "crashes" or "crimes," not accidents, regardless of whether or not the use of alcohol has been determined as a factor.
- Approach the coverage of all stories related to crime and victimization in a manner that is not lurid, sensational, or intrusive to the victim and his or her family.

### **Promising Practices**

- In many jurisdictions, victim advocates provide training to journalists and journalism students about news media coverage of crime and victimization, utilizing this chapter as a resource for education. Often, victims participate in these programs in order to focus attention on the reality of victimization, their personal experiences with the news media, and how news media coverage can increase victim trauma.
- "Bench-bar-press" committees in many communities meet regularly to discuss past and pending criminal cases and related news media coverage. Participants include judges, defense attorneys, prosecutors, victim advocates, and journalists who collaborate on how to secure accurate, timely coverage of crime and victimization that is sensitive to both victims and the community.
- Panel presentations involving justice officials, victim service providers, and news media representatives can be sponsored to address the issues in this chapter. For example, in 1999, Washburn University in Topeka, Kansas, sponsored a forum on the news media impact on justice policy, which resulted in an agreement among panel members to regularly meet and discuss issues of mutual concern.
- Victim advocates can offer debriefings and supportive services to journalists who cover crime and victimization to help them cope with vicarious trauma that might result from their jobs.
- Many journalism associations and news media outlets have developed codes of ethics to guide not only journalistic practices but also specifically the coverage of crime and victimization.
- The Washington, D.C. chapter of *Society of Professional Journalists* (SPJ) has developed an informational card that reporters can use to inform crime victims and witnesses about the process of covering a story

involving crime and victimization. According to chapter President Don Dudley, "news coverage of crimes benefits from having the perspective of victims and witnesses."

The text of the card, which reporters can hand to victims or leave with a friend or family member, says:

I am a news reporter, and I would like to interview you. I understand that you or someone close to you has been the victim of a crime, or you were a witness to a crime. I do not intend to add to the difficulties you are now facing. My job is to inform members of the public about crimes so that they may protect themselves from becoming victims in the future, and to inform them of the progress police make investigating and solving such crimes.

If you do not wish to talk with me now, you may call later at the number below.

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Reporter's Name

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Telephone #

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News Organization

Victim service providers and justice professionals can inform their community's news media about the availability of the SPJ Crime Victims Card, which can be ordered from the Washington, D.C. SPJ chapter at P.O. Box 19555, Washington, DC 20036-0555.

- The Victims and the Media Program of Michigan State University's School of Journalism--co-sponsored by the Michigan Victims Alliance--is a special initiative that focuses on the media's portrayal and treatment of victims of violence. Established in 1991, the program was developed in response to growing concerns about the media's handling of victims. The program is designed to reach both journalism students and professionals, and its goals include educating both groups about the effects of violence and helping them improve their interpersonal skills, so that they can do a better job of approaching and interviewing victims. The efforts also address victims' concerns about media coverage, and the role of such coverage in shaping public perceptions of both victims and violence.

Of special note, the program provides research that gathers data

on professional policies and practices, monitors news coverage of victims, assesses how journalists attempt to deal with trauma, and develops guidelines for journalists who report on crime and outreach through the "victims and the media response team." The response team, comprised of faculty, journalists, therapists, victims, and victim advocates, provides instruction on victim issues and debriefs journalists who suffer from the stress of reporting on incidents of violence.

According to their Web site, the MSU Victims and the Media program is a promising partnership that makes a significant difference in how the journalists of today and in the future cover issues of crime and victimization. The Web site address is <http://victims.jrn.msu.edu/> (MSU School of Journalism April 2000).

- A comprehensive list of electronic linkages to Web sites sponsored by international, national, and regional journalism associations has been compiled by the Poynter Institute. Many of these associations have sponsored forums about the news media's coverage of crime over the past decade. The Poynter Institute is a school dedicated to teaching and inspiring journalists and media leaders, and promotes excellence and integrity in the practice of craft and in the practical leadership of successful businesses. The list of journalism associations is available from the Poynter Institute's Web site at:  
[www.poynter.org/research/jsites/je\\_jsites1.htm](http://www.poynter.org/research/jsites/je_jsites1.htm).

To address the "privacy concerns (that) apply to average citizens who are suddenly caught in the news by virtue of a tragedy or their connection to an otherwise newsworthy event," the Poynter Institute developed a series of important questions journalists should ask themselves as they balance the public's need to know with an individual's right to privacy:

1. What is my journalistic purpose in seeking this information? In reporting it?
2. Does the public have a justifiable need to know? Or is this matter just one in which some want to know?
3. How much protection does this person deserve? Is this person a public official, public figure, or celebrity? Is this person involved in the news event by choice or by chance?
4. What is the nature of harm I might cause by intruding on someone's privacy?
5. Can I cause considerable harm to someone just by asking questions, observing activity, or obtaining information even if I never actually report the story?
6. How can I better understand this person's vulnerability and desire for privacy? Can I make a better decision by talking with this person?
7. What alternative approaches can I take in my reporting and my storytelling to minimize the harm of privacy invasion while still



fulfilling my journalistic duty to inform the public? For instance, can I leave out some "private" matters while still accurately and fairly reporting the story? Or can I focus more on a system failure issue rather than reporting intensely on one individual? (Steele 1999)

### **The News Media's Coverage of Crime and Victimization Self-Examination**

1. What is the Colorado/Oklahoma Resource Council media consortium?
2. Describe three of the major concerns that crime victims might have about dealing with the news media?
3. Describe three of the nineteen guidelines for victims who choose to deal with the news media.
4. What are two of the roles and responsibilities of victim advocates in helping victims deal with the news media?
5. What are the three "guiding principles" for journalists?

## Chapter 6: The News Media's Coverage of Crime and Victimization

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OVC provides links to other Web sites as a convenience to its visitors and tries to ensure that the links are current. The inclusion of a link on this document does not constitute an official endorsement, guarantee, or approval by OVC. OVC neither endorses, has any responsibility for, nor exercises any control over the organizations' views or the accuracy of the information contained in those pages.

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